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09/762,919	02/14/2001	Yoichi Sugiyama	1422-0467P	9671

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EXAMINER

DOUYON, LORNA M

ART UNIT PAPER NUMBER

1751

DATE MAILED: 07/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/762,919

Applicant(s)

SUGIYAMA ET AL.

Examiner

Lorna M. Douyon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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***Claim Objections***

1. Claims 2 and 7 are objected to because of the following informalities: The abbreviation "i.e." should be spelled out. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Mausner et al. (US Patent No. 4,054,541), hereinafter "Mausner".

Mausner teaches spray dried bubblebath composition comprising 7.5% alcohol ether sulfate, 10% MgSO<sub>4</sub>, 1.0% disodium phosphate, 0.5% trisodium citrate, 2.0% modified starch (mixture of mono-, di-, and polysaccharides), 10.0% NaCl, 0.2% ethoxylated nonionic surfactant,

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0.5% coconut diethanolamide and the remainder  $\text{Na}_2\text{SO}_4$ , wherein said composition is prepared by spray drying from a slurry having a concentration from 50 to 55% solids (see Example 1 under cols. 3-4). See also Example 2. Mausner teaches the limitations of the instant claims. Hence, Mausner anticipates the claims.

4. Claims 1-3, 5-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Wilms et al. (US Patent No. 5,139,693), hereinafter "Wilms".

Wilms teaches a granular mixture produced by spray drying a slurry comprising 67.3 pbw zeolite containing 0.4 pbw free NaOH, 4.0 pbw acrylic acid/maleic acid copolymer, 2.5 pbw soap, 4.5 pbw sodium sulfate, 2.1 pbw ethoxylated tallow fatty alcohol containing 5EO, the spray dried particles having a density of 560 g/l and an average particle size of 0.2 to 1.2 mm, wherein the spray-dried particles are sprayed with nonionic surfactants and the apparent densities of the products were increased by impregnation to values of 650 to 700 g/l (see abstract; Examples 1 to 4, col. 7, line 46 to col. 8, line 39). Wilms teaches the limitations of the instant claims. Hence, Wilms anticipates the claims.

5. Claims 1-3, 5-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Kubota et al. (US Patent No. 6,376,453), hereinafter "Kubota".

Kubota teaches detergent particles having an average particle size from 150 to 500  $\mu\text{m}$  and a bulk density of 500 g/liter or more (see abstract), wherein the detergent particles comprise a

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water-insoluble inorganic compound, a water-soluble polymer and a water-soluble salt, and a surfactant supported by the base particle, wherein the base particle has a localized structure in which larger portions of the water-soluble polymer and the water-soluble salt are present near the surface of the base particles rather than in the inner portion thereof; and a method of preparing the detergent particles comprising the steps of spray-drying a slurry containing the water-insoluble inorganic compound, a water-soluble polymer, and a water-soluble salt, and adding a surfactant to the base particles to support the surfactant thereby (see col. 2, line 64 to col. 3, line 28). In Example 1, Kubota teaches detergent particles which are obtained by supporting a surfactant to spray-dried base particles 1 which comprises 50% by weight zeolite, 9% by weight sodium polyacrylate, 20% by weight sodium carbonate, 10% by weight sodium sulfate, 1.5% by weight sodium sulfite and 4% by weight sodium dodecylbenzenesulfonate, wherein the detergent particle comprises a uni-core detergent particle (see col. 24, line 10 to col. 27, line 39). Kubota teaches the limitations of the instant claims. Hence, Kubota anticipates the claims.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kubota as applied to the above claims.

Kubota teaches the features as described above. In addition, Kubota teaches that the water-soluble salt include water-soluble inorganic salts typically exemplified by alkali metal salts of radicals such as carbonates, sulfates, sulfites, phosphates, halides, or the like (see col. 7, lines 43-47). Kubota, however, fails to specifically disclose detergent particles comprising alkali metal halide.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have selected alkali metal halide as one of the water-soluble salt in the detergent particles because this is one of the suggested water-soluble salt taught by Kubota.

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9. Applicant cannot rely upon the foreign priority papers to overcome the rejection over Kubota because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

10. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wilms as applied to claim 1 above, and further in view of Kickle et al. (US Patent No. 4,675,127), hereinafter "Kickle".

Wilms teaches the features as described above. Wilms, however, fails to disclose alkali metal halide.

Kickle teaches the equivalency of sodium chloride and sodium sulfate as water soluble fillers in a similar detergent composition (see col. 6, lines 39-41).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute sodium sulfate with sodium chloride in the composition of Wilms because the substitution of art recognized equivalents as shown by Kickle is within the level of ordinary skill in the art.

11. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. These references are considered cumulative to or less material than those discussed above.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (703) 305-3773. The examiner can normally be reached on Mondays-Fridays from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for this Technology Center is:

(703) 872-9311 - for Official After Final faxes

(703) 872-9310- for all other Official faxes.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center receptionist whose telephone number is (703) 308-0661.

July 1, 2002

*Lorna M. Douyon*  
Lorna M. Douyon  
Primary Examiner  
Art Unit 1751